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PTO/SB/21 (12-97)

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# TRANSMITTAL FORM

(To be used for all correspondence after initial filing)

|  |                                 |
|--|---------------------------------|
| Application Number                       | 09/668,969                      |
| Filing Date                              | September 25, 2000              |
| First Named Inventor                     | VAN NOORT et al.                |
| Group Art Unit                           | 1644                            |
| Examiner Name                            | Ronald B. Schwadron             |
| Total Number of Pages in This Submission | Attorney Docket Number 101137-4 |

## ENCLOSURES (check all that apply)

|  |   |  |
|--|---|--|
| <input type="checkbox"/> Fee Transmittal Form<br><input type="checkbox"/> Fee Attached | <input type="checkbox"/> Assignment Papers (for an Application)                         | <input type="checkbox"/> After Allowance Communication to Group  |
| <input type="checkbox"/> Amendment / Response<br><input type="checkbox"/> After Final  | <input type="checkbox"/> Drawing(s)   | <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences  |
| <input type="checkbox"/> Affidavits/declaration(s)                                     | <input type="checkbox"/> Licensing-related Papers                                       | <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief)   |
| <input type="checkbox"/> Extension of Time Request                                     | <input type="checkbox"/> Pétition   | <input type="checkbox"/> Proprietary Information   |
| <input type="checkbox"/> Express Abandonment Request                                   | <input type="checkbox"/> To convert a Provisional Application                           | <input type="checkbox"/> Status Letter   |
| <input type="checkbox"/> Information Disclosure Statement                              | <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address | <input checked="" type="checkbox"/> Additional Enclosure(s) -(please identify below):  |
| <input type="checkbox"/> Certified Copy of Priority Document(s)                        | <input type="checkbox"/> Terminal Disclaimer  | - Response to Notice; Diskette containing substitute computer readable form (CRF) copy of the Sequence Listing; copy of Notice to Comply with Requirements for Patent Applications dated 12/9/02 |
| <input type="checkbox"/> Response to Missing Parts/ Incomplete Application             | <input type="checkbox"/> Small Entity Statement   |  |
| <input type="checkbox"/> Response to Missing Parts under 37-CFR 1.52 or 1.53           | <input type="checkbox"/> Request for Refund   |  |

Remarks:

## SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

|                         |  |
|-------------------------|--|
| Firm or Individual name | Theodore A. Gottlieb<br>NORRIS McLAUGHLIN & MARCUS, P.A. |
| Signature               | <i>Theodore A. Gottlieb</i> Reg. No. 42,597              |
| Date                    | January 7, 2003  |

## CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to : U.S. Patent and Trademark Office, Box Sequence, P.O. Box 2327, Arlington, VA 22202.

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| Typed or printed name | Vilma I. Fernandez                             |
| Signature             | <i>Vilma I. Fernandez</i> Date January 7, 2003 |

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Hon. Commissioner of Patents, Washington, DC 20231.

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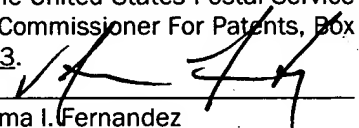
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Atty's Docket No. :101137-4

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Vilma I. Fernandez

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

|            |  |
|------------|--|
| SERIAL NO. | 09/668,969   |
| APPLICANT  | Johannes M. VAN NOORT et al.   |
| FILED      | September 25, 2000   |
| EXAMINER   | Ronald B. Schwadron  |
| ART UNIT   | 1644   |
| FOR        | ALPHA B CRYSTALLIN FOR USE IN DIAGNOSIS AND<br>THERAPY OF AUTO-IMMUNE DISEASES IN PARTICULAR<br>MULTIPLE SCLEROSIS |

Hon. Assistant Commissioner of Patents  
BOX SEQUENCE  
PO Box 2327  
Arlington, VA 22202

January 7, 2003

**RESPONSE TO COMPLY WITH REQUIREMENTS FOR PATENT APPLICATIONS  
CONTAINING NUCLEOTIDE SEQUENCE AND/OR AMINO ACID SEQUENCE  
DISCLOSURES**

Sir:

This communication is in response to the Notice to Comply mailed on  
December 9, 2002.

**IN THE SPECIFICATION**

Entry of the amended sequence listing in the specification is requested.

CONDITIONAL PETITION FOR EXTENSION OF TIME

If any extension of time for this response is required, Applicants request that this be considered a petition therefore. Please charge the required fee to Deposit Account No. 14-1263.

ADDITIONAL FEES

Please charge any further insufficiency of fees, or credit any excess to Deposit Account No. 14-1263.

REMARKS

Enclosed herewith, is [i] a copy of the Sequence Listing on a computer readable diskette, [ii] a paper copy of the listing, and [iii] a copy of the NOTICE.

The undersigned affirms that the computer readable form of the sequence listing does not comprise new matter, and is identical to the accompanying paper copy.

The amino acid sequences disclosed in the accompanying diskette are believed to be identical to those originally filed.

Respectfully submitted,

NORRIS, McLAUGHLIN & MARCUS

A handwritten signature in black ink, appearing to read 'Theodore Gottlieb', is written over a horizontal line.

Theodore A. Gottlieb, Ph.D.  
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UNITED STATES DEPARTMENT OF COMMERCE  
Patent and Trademark Office  
COMMISSIONER OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231

09/668,969

| SERIAL NUMBER | FILING DATE | FIRST NAMED APPLICANT | ATTORNEY DOCKET NO. |
|---------------|-------------|-----------------------|---------------------|
|               |             |                       |                     |

| EXAMINER |              |
|----------|--------------|
|          |              |
| ART UNIT | PAPER NUMBER |
|          |              |

DATE MAILED:

Please find below a communication from the EXAMINER in charge of this application  
Commissioner of Patents

The communication filed on 10/7/2002 is not fully responsive to the communication mailed 9/24/2002 for the reason(s) set forth on the attached Notice to Comply With the Sequence Rules or CRF Diskette Problem Report.

The sequence listing does not list prior applications 08/975696 and 08/750410 or PCT NL95/00203 (to which priority under 35 USC 120 or 371 has been claimed) in mandatory section <150> of the Sequence listing. This information is required (see MPEP section 2424). This error needs to be corrected in the paper and CRF copies of the sequence listing.

Since the response appears to be bona fide, but through an apparent oversight or inadvertence failed to provide a complete response, applicant is given **ONE (1) MONTH or THIRTY (30) DAYS** from the mailing date of this notice, whichever is longer, within which to supply the omission or correction in order to avoid abandonment. EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136(a).

Any inquiry concerning this communication should be directed to Examiner Ron Schwadron, Ph.D., Art Unit 1644, whose telephone number is 703-308-4680.

Any inquiry of a general nature or relating to the status of this application should be directed to the Technology Center receptionist whose telephone number is (703) 308-0196.

RONALD B. SCHWADRON  
PRIMARY EXAMINER  
GROUP 1800-1600

Ron Schwadron, Ph.D.  
Art Unit 1644



Application No.: 09/668969

**NOTICE TO COMPLY WITH REQUIREMENTS FOR PATENT APPLICATIONS CONTAINING NUCLEOTIDE SEQUENCE AND/OR AMINO ACID SEQUENCE DISCLOSURES**

The nucleotide and/or amino acid sequence disclosure contained in this application does not comply with the requirements for such a disclosure as set forth in 37 C.F.R. 1.821 - 1.825 for the following reason(s):

- ☒ 1. This application clearly fails to comply with the requirements of 37 C.F.R. 1.821-1.825. Applicant's attention is directed to these regulations, published at 1114 OG 29, May 15, 1990 and at 55 FR 18230, May 1, 1990.
- ☐ 2. This application does not contain, as a separate part of the disclosure on paper copy, a "Sequence Listing" as required by 37 C.F.R. 1.821(c).
- ☐ 3. A copy of the "Sequence Listing" in computer readable form has not been submitted as required by 37 C.F.R. 1.821(e).
- ☐ 4. A copy of the "Sequence Listing" in computer readable form has been submitted. However, the content of the computer readable form does not comply with the requirements of 37 C.F.R. 1.822 and/or 1.823, as indicated on the attached copy of the marked -up "Raw Sequence Listing."
- ☐ 5. The computer readable form that has been filed with this application has been found to be damaged and/or unreadable as indicated on the attached CRF Diskette Problem Report. A Substitute computer readable form must be submitted as required by 37 C.F.R. 1.825(d).
- ☐ 6. The paper copy of the "Sequence Listing" is not the same as the computer readable form of the "Sequence Listing" as required by 37 C.F.R. 1.821(e).
- ☒ 7. Other: See ENCLOSED communication

**Applicant Must Provide:**

- ☒ An initial or substitute computer readable form (CRF) copy of the "Sequence Listing".
- ☒ An initial or substitute paper copy of the "Sequence Listing", as well as an amendment directing its entry into the specification.
- ☒ A statement that the content of the paper and computer readable copies are the same and, where applicable, include no new matter, as required by 37 C.F.R. 1.821(e) or 1.821(f) or 1.821(g) or 1.825(b) or 1.825(d).

For questions regarding compliance to these requirements, please contact:

For Rules Interpretation, call (703) 308-4216

For CRF Submission Help, call (703) 308-4212

For PatentIn software help, call (703) 308-6856

**PLEASE RETURN A COPY OF THIS NOTICE WITH YOUR RESPONSE**